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EXAMINER

NGUYEN, THU V

ART UNIT PAPER NUMBER

3661

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/065,305

**Applicant(s)**

MILLER ET AL.

**Examiner**

Thu Nguyen

**Art Unit**

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

The amendment filed on June 15, 2004 has been entered. By this amendment, all claims 1-20 are now pending in the application. The Declaration submitted on June 15, 2004 is accepted.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claim 1, line 2, the word “interconnected” is ambiguous, it is not clear how the vehicles should be “interconnected”. Does the term implies the capability of communicating between the vehicle, or does the term implies physical connection between vehicle?
- b. In claim 1, lines 9, the claimed “the network” lacks of antecedent basis. There are two networks: the “communications network” and the “vehicle network”, it is not clear which network the claimed limitation implies.
- c. In claim 1, lines 8-9, the claimed “said transmitter coupling the location specific information to the network” is ambiguous. The relationship between the receiver and the transmitter is not clear. It is not clear how the transmitter can obtain and couple

the location specific information to the network, because, according to the claimed limitation in line 7-8, it is the “receiver” (not the transmitter) that receives and has the location specific information.

- d. In claim 8, line 7, the claimed “coupling the in location-specific information” is unclear. Further it is not clear how an abstract object (the location-specific information) could be coupled to a physical object (the network).
- e. Other claims are rejected as being dependent on the rejected base claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 2003/0169181) in view of Benjamin et al (US 2003/0073406).

As per claim 1, 7, Taylor teaches a vehicle within a network of vehicles, the vehicle comprises: a positioning system (para 0048; 0200); a transmitter 10 (fig.1) for transmitting the vehicle position signal to the plurality of vehicles (para 0048; 0049; 0199); a receiver 14a (fig.1) receiving the location specific information para (0048; 0194; 0200); and a network controller for maintaining a vehicle network connection in response to the vehicle position signal (para 0048; 0068). Taylor does not explicitly teach supplying location specific information from a

communication network outside the vehicle network, and implementing the network controller to the host vehicle. However, Taylor suggests supplying certain information from an outside network (the voice network) (para 0148), and Benjamin suggests supplying location specific information from a network 1220 (fig.2) outside the vehicle network (para 0062; 0066). Moreover, implementing the network controller of Taylor to a selected vehicle requires only routine skill in the art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to connect the vehicle 10 (fig.1) of Taylor to an outside network in order to facilitate obtaining necessary information from outside sources.

As per claim 2, Taylor teaches the capability of displaying the position of a specific position (para 0200).

As per claim 3-6, including vehicle controller to a vehicle would have been well known. Further, since Taylor teaches the capability of interfacing the system taught by Taylor with other systems (para 0201), and since vehicle subsystems such as safety system, security system and sensors are well known subsystems implemented to the vehicles nowadays, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a vehicle controller, a safety system, a security system and sensors to the host vehicle of Taylor in order to facilitate determining the condition of the vehicle and to inform the vehicle condition to other vehicles.

5. Claims 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 2003/0169181).

As per claim 8, Taylor teaches a communication system which comprises: a plurality of vehicles 10, 14a (fig.1) in communication forming a wireless vehicle network 16 (fig.1), a communication network of transmitter 10 (fig.1) and receivers 14a-14y (fig.1); a telematics system 10 (fig.1) generating location specific information and providing the location specific information to each of the vehicle in the vehicle network 16 (fig.1) (para 0055-0056; 0077-0078; 0085-0089; 0183-0194). Taylor does not explicitly teach coupling the telematics system to the vehicle network through a communication network. However, since Taylor teaches the capability of communicating data between mobiles or stationary telematics devices that are within a predetermined range (para 0068; 0196-0200; -183-0194) using a communication network of transmitter and receivers 10, 14a-14y (fig.1), Taylor obviously implies coupling the telematics 10 (fig.1) to the vehicle network consisting 10, 14a-14y (fig.1) through the communication network of transmitter 10 and receivers 14a-14y (fig.1) in order to enable data transmission between the telematics 10 (fig.1) with each vehicle 14a-14y (fig.1).

As per claim 9-10, refer to claims 8, 2 above.

As per claim 11, Bluetooth network or WAN network are well known network type. It would have been obvious to a person of ordinary skill in the art at the time the invention was

made to select either Bluetooth network or WAN network for the network of Taylor in order to facilitate short range or wide range communication between vehicles

As per claim 12-16, refer to claims 1, 8-9, 4-6 above.

As per claim 17, Taylor teaches generating communication signals among the two (plurality) vehicles 10 and 14a ( fig.1) to form a wireless network 16 (fig.1) therebetween (para 0051; 0177-0178); communicating location information from a vehicle to a telematic provider 10 (fig.1) (para 0179); distributing location-specific information from the telematic provider 10 (fig.1) to the vehicles within the wireless network 16 (fig.1) (para 0051). Taylor does not explicitly teach communicating location information from the wireless network 16 (fig.1) to a telematics however, since Taylor teaches a vehicle in the vehicle network 16 (fig.1) that is capable of transmitting its location to the telematics provider 10 (fig.1), and since the vehicle 14a (fig.1) is a member of the vehicle network, Taylor obviously includes teaching transmitting the location information from the wireless vehicle network 16 (fig.1) to the telematics 10 (fig.1).

As per claim 18-20, refer to claims 4-6 above.

### ***Response to Arguments***

6. Applicant's arguments filed June 15, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument on page 8, applicant asserts that in the present application "the transmitting unit communicates directly with the receiving unit. The receiving units do not communicate with each other in a network", and "only one of the vehicles in the communication network needs to be coupled to the communication system". However, these features are not explicitly highlighted in the independent claims.

In response to applicant's argument on page 9, lines 1-14, in paragraph 0178, Taylor teaches that it would have been obvious to provide two-way communication between the target vehicle 14a (fig.1) and the emergency vehicle 10 (fig.1), therefore, Taylor obviously teaches a network of vehicles within area 16 (fig.1) having the vehicles interconnected by the two-way communication. Independent claims of the present application do not teach "any of the receiving units communicates with anything other than the transmitting unit or EV 10"; claim 1, further, does not teach communicating *various* information through a vehicle network" as asserted by applicant, moreover, the phrase "through a vehicle network" is ambiguous because it is not clear how the "vehicle network" receives and transfers data from the transmitter to each receiving unit. The expression "through a vehicle network" is understood simply as communication between the transmitter 10 (fig.1) to a receiver 14 a-y (fig.1) of Taylor. Therefore, independent claims do not highlight the distinction of the present application from Taylor's teaching.

In response to applicant argument on claim 8 in page 9, last paragraph and page 10, lines 1-3, the arguments in this section is not understood. It is not clear if the applicant means Taylor teach or does not teach the details in the first three lines: "Claim 8 is directed to .... in the Taylor reference". Further, applicant asserts that "this clause is also not taught or suggested in the



Taylor reference”, however, it is not clear what specific clause the applicant believes missing from Taylor’s teaching. Further, since Taylor teaches a telematics unit implementing on the EV capable of communicating to other vehicle in the network 16 (fig.1) (para 0051, 0140), Taylor obviously implies coupling the telematics on the EV to the network 16 (fig.1). Claim 8 does not show a specific way to couple the transmitter to a network to highlight the difference between the coupling of the transmitter to a network taught by the present application and by Taylor.

In response to applicant’s argument on page 10, first paragraph (on claim 17), since Taylor teaches generating communication signals from vehicle 10 (fig.1) to vehicles 14a-14y (fig.1), Taylor, further, suggests implementing two-way communication devices in the vehicles, Taylor obviously teach generating communication signals among at least two vehicles 10 (fig.1) and 14a (fig.1) (a plurality of vehicles) to form a wireless network 16 (fig.1). Claim 17 does not explicitly teach: “communicate or allow communication between various receiving units” as asserted. Furthermore, it should be noted that the “receiving” unit is well-known to just receive signals from other devices, it is not clear how a receive unit can communicate (or sent) signal to other unit. Further, since Taylor teaches the transmitter 10 (fig.1) capable of transmitting data to the wireless network 16 (fig.1), and the data is distributed (broadcast) to each vehicle (para 0051), Taylor obviously teaches the claimed limitation in claim 17, lines 7-10. Claim 17 fails to highlight how the wireless network receive data transmitted from the telematics and how the wireless network distribute the received data, therefore, claim 17 does not highlight the difference between the teaching of Taylor in para 0051 with the present application.

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Applicant's amendment in claim 1 necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

Or:

(703) 305-7687 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington. VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



**THU V. NGUYEN**  
**PRIMARY EXAMINER**

August 27, 2004